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10/086,370	02/28/2002	Michael E. Childs	1528.005US1	2692

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EXAMINER

MANCHO, RONNIE M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/086,370

Applicant(s)

CHILDS ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. During a telephone conversation with the applicant's representative, Joseph Mehrle on 9-5-03, a provisional election was made without traverse to prosecute the invention of a navigation device, claims 1-12. The applicant in replying to this Office action must make affirmation of this election.

Claims 13-24 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-2, 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (6484093).

Regarding claim 1, Ito et al (fig. 1; col. 7, lines 1-50) disclose a navigation navigational device 100, comprising:

a processor 101;

a memory 30 in communication with the processor 101 (fig. 1);

a display 106 in communication with the processor 101, wherein the device uses the memory 30 in cooperation with the processor 101 to pack a plurality of coordinate data (col. 7, lines 30-45) and associate at least a portion of activation data with each coordinate data ((col. 7, lines 30-45; figs. 13, etc), each coordinate data having three or more dimensions (col. 8, lines 36-47. Note that all GPS data inherently have three or more coordinate representation of positions), and wherein at least a portion of the coordinate data is dynamically communicated to the display (106; col. 7, lines 30-65; col. 11, lines 59 to col. 12, lines 1-5).

Regarding claim 2, Ito et al disclose the device of claim 1, further comprising an interface device operable to audibly communicate at least a portion of the coordinate data.

Regarding claim 6, Ito et al disclose the device of claim 1, wherein at least one of the dimensions is associated with attribute data relating to at least one of the other dimensions (col. 8, lines 36-47. Note that all GPS data inherently have three or more coordinate representation of positions).

Regarding claim 7, Ito et al disclose the device of claim 1, wherein the device is a handheld portable device.

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Regarding claim 8, Ito et al disclose the device of claim 1, wherein the memory 30 is remote from the processor 101.

Regarding claim 9, Ito et al (fig. 1; col. 7, lines 1-50) disclose a navigation system, comprising:

a mass storage device 30 adapted to store navigation data;

a server (portable communications systems nowadays use internet; col. 7, lines 7-12) adapted to communicate with the mass storage 30; and

a navigation device 100 adapted to communicate with and retrieve navigation data from the server via a communication channel (fig. 1), wherein the navigation device includes a processor 101 in communication with a memory 102B, wherein the processor and memory cooperate to pack at least three dimensional data (col. 8, lines 36-47. Note that all GPS data inherently have three or more coordinate representation of positions) associated with the navigation data and activation data associated with the at least three dimensional data col. 7, lines 30-65; col. 11, lines 59 to col. 12, lines 1-5).

Regarding claim 10, Ito et al disclose the system of claim 9, wherein the communication channel includes a wireless channel.

Regarding claim 11, Ito et al (inherently) disclose the system of claim 9, wherein the activation data are configurable to activate or deactivate each dimension within the at least three dimensional data of the navigation data.

Regarding claim 12, Ito et al disclose the system of claim 11, wherein the navigation data are packed within the memory.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al in view of Robinson et al (5995970).

Regarding claim 3, Ito et al disclose the device of claim 1, but did not disclose a delta size associated with an optimal size to pack each coordinate data. However, Robinson et al (abstract; col. 1, lines 38-60; claim 1) disclose a storage medium for storing navigational data, wherein each dimension of coordinate data includes a delta size associated with an optimal size to pack each coordinate data.

Therefore, it would have been obvious to one of ordinary skill in the art of navigation to modify the Ito device as taught by Robinson for the purpose of saving memory space when storing navigation data.

Regarding claim 4, Ito et al (col. 1, lines 62-67) disclose the device of claim 3, wherein at least one of the coordinate data exceed the delta size associated with packing the at least one coordinate data and wherein associating one or more special data ensures the at least one coordinate data are packed within the delta size associated with the coordinate data.

Regarding claim 5, Ito et al disclose the device of claim 4, wherein:  
each dimension is associated with a direction; and

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if each direction within each dimension of each associated coordinate data proceeds in a same direction then using a single sign data (col. 2, lines 4-12) for each dimension to pack each coordinate data.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: 6594666, 2003/0045998, 5946692, 6182010, 6535743, all disclose a navigation system.

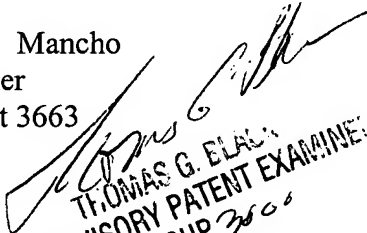
### *Communication*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs; 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-9707. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho  
Examiner  
Art Unit 3663

  
THOMAS G. ELAM  
SUPERVISORY PATENT EXAMINER  
GROUP 3663

9/7/03